

REMARKS

This Amendment is being submitted in response to the Official Action dated 28 September 2004. Claim 12 is canceled, and claims 1, 8, 13, 15 and 20 are amended. Thus, claims 1-11 and 13-20 remain pending.

The Examiner rejected claims 1-4, 6, 12, 13, 15, and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,271,624 to Peluso. According to the Examiner Peluso discloses a multi-functional fishing accessory comprising each and every element as claimed, inclusive of one or more support tubes (16). Applicant disagrees. The “support tubes” of Peluso ‘624 is just a bait well for holding bait, and it is integrally molded into the work surface. In contrast, the present invention is a multi-functional device including a fishing rod holder with an integral fish cleaning/filleting work surface that may be attached to all types of vertical members (e.g. pier pilings, bridge structures, trees). The present invention holds one or more fishing rods in an upright fishing-position within its support tubes. The bait well of Peluso is unsuitable for supporting fishing rods. Claim 1 is amended to make this distinction more abundantly clear, and now recites “a work surface...a pair of support panels attached to an underside of the work surface and extending downward therefrom in a spaced relation...[and] *one or more fishing rod support tubes each for maintaining a fishing rod in a substantially upright position.*” Peluso does not have any fishing rod support tubes as claimed, nor does he have two support panels attached to an underside of the work surface and extending downward therefrom in a spaced relation. This allows the support panels to straddle a typical dock pile, and provides far more

secure footing when strapped to the pile. Accordingly, claim 1 is now patentably distinguished.

Claims 2-4, 6, 13, 15, and 19 all depend from claim 1 and are likewise distinguished. Claim 12 is herein canceled.

The Examiner also rejected claims 7, 14, and 16 under 35 U.S.C. 103(b) as being unpatentable over Peluso. According to the Examiner, Peluso discloses all elements of the claimed invention except for the materials (rigid plastic resin and propylene polymer or PVC and the straps being fabricated from nylon. The Examiner contends that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the plastic in Peluso to have been a propylene polymer or PVC and to modified the straps to have been fabricated from nylon. Applicant disagrees. First of all, Peluso no longer anticipates claims 1 or 6 (from which claim 7 depends), for the above-described reasons. Moreover, propylene polymer is by far the best and most durable material for the present invention, especially in view of the marine environment. While applicant might concede that PVC is a fairly standard plastic, it certainly would not have been obvious to one having ordinary skill in the art at the time the invention was made to have made the Peluso device out of propylene polymer. "Improvement over prior art, even though it be simple or involves only a reversing of certain parts, is patentable unless prior art shows that improvement is obvious." In re Rothermel, 47 CCPA 866, 870, 276 F.2d 393, 396, 125 USPQ 328, 331 (1960). Consequently, claim 7 is patentably distinguished. Claim 14 depends from claim 8 which is indicated as being allowable, and claim 14 is likewise distinguished. Claims 16 is amended to recite "a plurality of straps

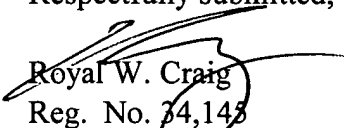
for attachment of both the support tubes and support panels to the vertical member (dock pile).”

Peluso has a single strap, and claim 16 is distinguished.

Applicant acknowledges and appreciates the Examiner’s indication that claims 5, 8-11, 17 and 18 would be allowable if rewritten in independent form, but such is not thought to be necessary in light of the amendments to claim 1. In view of the above, all pending claims 1-11 and 13-20 are believed to avoid all the rejections set forth in the Official Action and thus, the case should be in condition for allowance. A Notice to this effect is respectfully requested, and the Examiner is invited to call the undersigned at 410.385.2383 to discuss any remaining issues.

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Respectfully submitted,


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